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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed November 16, 2004. In the Office Action, the Examiner notes that claims 1-13, 15-17, 19-64, 67-71, 73-76, 78, 80-83, 85-97, 99-107, 109-119, 121, 122, 125, 127-139 and 141-198 are pending and rejected. By this response, claims 1-3, 67-70, 85, 99, 102, 113, 127-128, 138, 142-143, 148 and 169-171 have been amended; and claims 12-13, 15, 19-36, 38-39, 41-59, 61-64, 71, 73-76, 78, 80-83, 87-96, 100-101, 103, 105-107, 109-110, 112, 114, 117-119, 121-122, 125, 130-136, 141, 145-147, 149-168, and 175-198 have been deleted. The amendments to the claims are fully supported by the Specification, for example at least at pages 5 and 34.

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and 103. Thus, the Applicants believe that all of these claims are now in allowable form.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Amendments to the Specification

The specification has also been amended on page 1 to clarify the priority data of the present application. The present application is, inter alia, a continuation-in-part of application Serial Number 08/711,742, filed September 10, 1996, entitled TELEVISION PROGRAM DELIVERY SYSTEM, which is now U.S. Patent No. 6,052,554. The present application is also a continuation-in-part of application Serial Number 08/735,552, filed October 23, 1996, entitled NETWORK CONTROLLER FOR CABLE TELEVISION DELIVERY SYSTEMS, now U.S. Patent No. 6,160,989. The present application is also a continuation-in-part of application Serial Number 08/352,205 filed December 2, 1994, entitled NETWORK MANAGER FOR CABLE TELEVISION SYSTEM HEADENDS, which is now U.S. Patent No. 6,201,536.

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REJECTIONS**35 U.S.C. §102****Claims 1, 2, 15, 16, 19, 24-28, 40-41, 43, 44, 47, 127, 128, 133, 135, 142, 143, 149, 151, 152, 153 and 157**

The Examiner has rejected claims 1, 2, 15, 16, 19, 24-28, 40-41, 43, 44, 47, 127, 128, 133, 135, 142, 143, 149, 151, 152, 153 and 157 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,517,502 to Bestler et al. (hereafter "Bestler"). The Applicants respectfully traverse the rejection.

Applicants independent claim 1 recites (emphasis added below):

- *1. An apparatus that provides digital broadcast television programs to a subscriber, comprising:
- a first receiver module that receives program data;
 - a second receiver module for receiving a local authorization code, wherein the authorization code allows the digital broadcast television programs to be decrypted for viewing;
 - a transmitter that sends a program selection to a remote site, wherein the program selection is made from the program data received by the first receiver module and contains the address of the second receiver module; and
 - a memory coupled to the second receiver module for storing the received authorization code, wherein when the program selection is received at the remote site, the remote site sends the local authorization code, and wherein the local authorization code is stored in the memory until needed for decrypting the selected program at a future time."

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). The Bestler reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

Specifically, the Bestler reference fails to teach or suggest at least the "first receiver module that receives program data" in combination with the "second receiver module for receiving a local authorization code," as well as the "transmitter that sends a program selection to a remote site, wherein the program selection is made from the program data received by the first receiver module and contains the address of the

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second receiver module," as recited in claim 1 as amended.

Bestler discloses a two-way communications network having different types of downstream conditional access (CA) packets, one type of which "includes the public S/N of one or more subscriber terminals together with the associated active and received CA and payload key sources, communication bits and authorization levels" (column 8, lines 53-56). However, Bestler does not teach first and second receiver modules, wherein the first receiver module receives program data and the second receiver module receives an authorization code. Bestler also discloses a subscriber terminal having an upstream transmitter that transmits an upstream data packet which "typically comprises a subscriber identification number and the identification of a particular requested service, such as a particular impulse-pay-per-view (IPPV) television program" (column 7, lines 37-40). However, Bester does not teach a transmitter that transmits an upstream data packet containing the address of a second receiver module which is different than a first receiver module that receives program data.

As such, the Applicants submit that Independent claim 1 is not anticipated and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Moreover, Independent claims 127 and 142 include substantially similar limitations to those discussed above with respect to claim 1. As such, the Applicants submit that Independent claims 127 and 142 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 2, 16, 40, 128, and 143 depend, either directly or indirectly, from independent claims 1, 127, and 142 and recite additional features thereof. As such and at least for the same reasons as discussed above, the Applicants submit that these dependent claims are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. The remaining rejected claims have been cancelled. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

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35 U.S.C. §103

Claims 3, 4, 17, 20-23, 31-36, 45, 46, 48-53, 55-58, 67-71, 73-76, 78, 80-81, 85, 88-89, 90, 92-97, 99, 118, 129-131, 134, 137-138, 144-147, 154, 155, 169-172, 173 and 175-178

The Examiner has rejected claims 3, 4, 17, 20-23, 31-36, 45, 46, 48-53, 55-58, 67-71, 73-76, 78, 80-81, 85, 88-89, 90, 92-97, 99, 118, 129-131, 134, 137-138, 144-147, 154, 155, 169-172, 173, and 175-178 under 35 U.S.C. §103(a) as being obvious over Bestler in view of U.S. Patent 5,600,364 to Hendricks et al. (hereafter "Hendricks"). The Applicants respectfully traverse the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Bestler and Hendricks references alone or in combination fail to teach or suggest the Applicants' invention as a whole.

As discussed above, Bestler does not teach or suggest at least the "first receiver module that receives program data" in combination with the "second receiver module for receiving a local authorization code," as well as the "transmitter that sends a program selection to a remote site, wherein the program selection is made from the program data received by the first receiver module and contains the address of the second receiver module" as recited in claim 1 as amended.

Hendricks fails to bridge the substantial gap between the Bestler reference and the Applicants invention as recited in claim 1. Hendricks discloses processing an authorization code by a network controller and then transmitting the code to a set top terminal. However, Hendricks also does not teach or suggest first and second receiver modules, the first receiver module receiving the program data, and the second receiver module receiving the authorization code. Hendricks also does not teach or suggest that the set top terminal has a transmitter that transmits a program selection using program

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data received by a receiver module in the set top terminal, and wherein the program selection contains an address of a second receiver module.

As such, the Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Moreover, independent claims 67, 99, 127, 142 and 169 have relevant limitations similar to those discussed above in regards to claim 1. As such, the Applicants submit that independent claims 67, 99, 127, 142 and 169 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 3, 4, 17, 67-70, 85, 97, 99, 129, 137-138, 144, 169-172, and 173 depend, either directly or indirectly, from independent claims 1, 67, 99, 127, 142 and 169 and recite additional features thereof. As such and at least for the same reasons as discussed above, the Applicants submit that these dependent claims are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. The remaining rejected claims have been cancelled. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

Claim 5

The Examiner has rejected claim 5 under 35 U.S.C. §103(a) as being obvious over Bestler in view of U.S. Patent 5,880,769 to Nemirofsky et al. (hereafter "Nemirofsky"). The Applicants respectfully traverse the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). The Bestler and Nemirofsky references alone or in combination fail to teach or suggest the Applicants' invention as a whole.

As discussed above, Bestler does not teach or suggest at least the "first receiver module that receives program data" in combination with the "second receiver module for receiving a local authorization code," as well as the "transmitter that sends a program selection to a remote site, wherein the program selection is made from the

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program data received by the first receiver module and contains the address of the second receiver module" as recited in claim 1 as amended.

Nemirofsky fails to bridge the substantial gap between the Bestler reference and the Applicants invention as recited in claim 1. Nemirofsky discloses a smart card which is optically coupled to a television which receives information related to programs and movies available on a pay-per-view basis. The user may transfer the information from the television to the smart card and select a program using an LCD interface on the smart card. The smart card can then complete the transaction to purchase the program with a service provider, who then provides information related to the selection to the smart card, and the program is received on the television. Nemirofsky discloses that "[t]he user then selects the physical location where the programming is to be provided. Such physical locations may include any location corresponding to account address(es) stored in the smart card 10 or the location corresponding to the phone number used to place the order" (column 5, lines 30-35). However, Nemirofsky fails to teach or suggest a first receiver module for receiving program data and a different second receiver module for receiving an authorization code. Furthermore, Nemirofsky is silent with respect to any receiver receiving an authorization code. In one embodiment, the user is required to enter a PIN code, however this is not the same as a receiver receiving an authorization code.

As such, the Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Moreover, the Applicants submit that dependent claim 5 depends indirectly from independent claim 1, and is thus also not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 6-13, 106 and 141

The Examiner has rejected claims 6-13, 106 and 141 under 35 U.S.C. §103(a) as being unpatentable over Bestler and Nemirofsky in view of U.S. Patent 5,809,204 to Young et al. (hereafter "Young"). The Applicants respectfully traverse the rejection.

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The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). The Bestler, Nemirofsky and Young references alone or in combination fail to teach or suggest the Applicants' Invention as a whole.

As discussed above, Bestler and Nemirofsky, either alone or in combination, do not teach or suggest at least the "first receiver module that receives program data" and the "second receiver module for receiving a local authorization code," as recited in claim 1 as amended.

Young fails to bridge the substantial gap between the Bestler and Nemirofsky references and the Applicants' invention as recited in claim 1. Young discloses a screen for a user interface for a television schedule system. However, Young also fails to teach a first receiver module that receives program data and a second receiver module for receiving a local authorization code.

As such, the Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, claims 6-11 depend, either directly or indirectly, from independent claim 1 and recite additional features thereof. As such and at least for the same reasons as discussed above, the Applicants submit that these dependent claims are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. The remaining rejected claims have been cancelled. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 29, 30, 42, 62-64, 82, 83, 91 and 136

The Examiner has rejected claims 29, 30, 42, 62-64, 82, 83, 91 and 136 under 35 U.S.C. §103(a) as being unpatentable over Bestler. However, claims 29, 30, 42, 62-64, 82, 83, 91 and 136 have been cancelled, thus obviating the rejection. Therefore, the Applicants respectfully request the rejection be withdrawn.

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Claims 37-39, 106 and 141

The Examiner has rejected claims 37-39, 106 and 141 under 35 U.S.C. §103(a) as being unpatentable over Bestler in view of U.S. Patent 5,745,556 to Ronen (hereafter "Ronen"). The Applicants respectfully traverse the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). The Bestler and Ronen references alone or in combination fail to teach or suggest the Applicants' invention as a whole.

As discussed above, Bestler does not teach or suggest at least the "first receiver module that receives program data" in combination with the "second receiver module for receiving a local authorization code," as well as the "transmitter that sends a program selection to a remote site, wherein the program selection is made from the program data received by the first receiver module and contains the address of the second receiver module" as recited in claim 1 as amended.

Ronen fails to bridge the substantial gap between the Bestler reference and the Applicants' invention as recited in claim 1. Ronen discloses that "[b]illing for information and/or interactive services provided to a user over the Internet by an information service provider (ISP) is arranged by the user by placing a billing telephone call to a 900 telephone number associated with the ISP for such billing purposes" (abstract). However, Ronen also fails to teach the "first receiver module that receives program data," the "second receiver module for receiving a local authorization code," and the "transmitter that sends a program selection to a remote site, wherein the program selection is made from the program data received by the first receiver module and contains the address of the second receiver module" as recited in claim 1 as amended.

As such, the Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, claim 37 depends, either directly or indirectly, from independent claim 1 and recites additional features thereof. As such and at least for the same reasons as discussed above, the Applicants submit that this dependent claims is also not obvious

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and fully satisfy the requirements of 35 U.S.C. §103 and is patentable thereunder. The remaining rejected claims have been cancelled. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 54 and 174

The Examiner has rejected claims 54 and 174 under 35 U.S.C. §103(a) as being unpatentable over Bestler in view of U.S. Patent 5,940,073 to Klosterman et al. (hereafter "Klosterman"). The Applicants respectfully traverse the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). The Bestler and Klosterman references alone or in combination fail to teach or suggest the Applicants' invention as a whole.

As discussed above, Bestler does not teach or suggest at least the "first receiver module that receives program data" in combination with the "second receiver module for receiving a local authorization code," as well as the "transmitter that sends a program selection to a remote site, wherein the program selection is made from the program data received by the first receiver module and contains the address of the second receiver module" as recited in claim 1 as amended.

Klosterman fails to bridge the substantial gap between the Bestler reference and the Applicants' invention as recited in claim 1. Klosterman discloses a system for displaying an electronic program guide. However, Klosterman also fails to teach the "first receiver module that receives program data," the "second receiver module for receiving a local authorization code," and the "transmitter that sends a program selection to a remote site, wherein the program selection is made from the program data received by the first receiver module and contains the address of the second receiver module" as recited in claim 1 as amended.

As such, the Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Moreover, independent claim 169 has relevant limitations similar to those discussed above in

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regards to claim 1. As such, the Applicants submit that independent claim 169 is also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, claim 174 depends, either directly or indirectly, from independent claim 169 and recites additional features thereof. As such and at least for the same reasons as discussed above, the Applicants submit that this dependent claim is also not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. The other rejected claim, that is claim 54, has been cancelled. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 59, 102, 103, 112, 132, 139, 148, 156, 165, 166, 167, 183-185, and 193-195

The Examiner has rejected claims 59, 102, 103, 112, 132, 139, 148, 156, 165, 166, 167, 183-185, and 193-195 under 35 U.S.C. §103(a) as being unpatentable over Bestler in view of Klosterman and Non-Patent Literature "Prodigy offers total television online guide" (hereafter "Prodigy"). The Applicants respectfully traverse the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). The Bestler, Klosterman and Prodigy references alone or in combination fail to teach or suggest the Applicants' invention as a whole.

As discussed above, Bestler and Klosterman, either alone or in combination, do not teach or suggest at least the "first receiver module that receives program data," the "second receiver module for receiving a local authorization code," and the "transmitter that sends a program selection to a remote site, wherein the program selection is made from the program data received by the first receiver module and contains the address of the second receiver module" as recited in claim 1 as amended.

Prodigy fails to bridge the substantial gap between the Bestler and Klosterman references and the Applicants' invention as recited in claim 1. Prodigy discloses an online national television guide. However, Prodigy also fails to teach the "first receiver

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module that receives program data," the "second receiver module for receiving a local authorization code," and the "transmitter that sends a program selection to a remote site, wherein the program selection is made from the program data received by the first receiver module and contains the address of the second receiver module" as recited in claim 1 as amended.

As such, the Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Moreover, independent claims 99, 127 and 142 have relevant limitations similar to those discussed above in regards to claim 1. As such, the Applicants submit that independent claims 99, 127 and 142 are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 102, 139 and 148 depend, either directly or indirectly, from independent claims 99, 127 and 142 and recite additional features thereof. As such and at least for the same reasons as discussed above, the Applicants submit that these dependent claims are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. The remaining rejected claims have been cancelled. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 60-61, 86, 87, 115 and 116

The Examiner has rejected claims 60-61, 86, 87, 115 and 116 under 35 U.S.C. §103(a) as being unpatentable over Bestler in view of U.S. Patent 5,317,391 to Banker et al. (hereafter "Banker '391"). The Applicants respectfully traverse the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). The Bestler and Banker '391 references alone or in combination fail to teach or suggest the Applicants' invention as a whole.

As discussed above, Bestler does not teach or suggest at least the "first receiver module that receives program data," the "second receiver module for receiving a local

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authorization code," and the "transmitter that sends a program selection to a remote site, wherein the program selection is made from the program data received by the first receiver module and contains the address of the second receiver module" as recited in claim 1 as amended.

Banker '391 fails to bridge the substantial gap between the Bestler reference and the Applicants' invention as recited in claim 1. Banker '391 discloses a "subscriber terminal apparatus for a television in an in-band subscription television system" (abstract). However, Banker '391 also fails to teach least the "first receiver module that receives program data," the "second receiver module for receiving a local authorization code," and the "transmitter that sends a program selection to a remote site, wherein the program selection is made from the program data received by the first receiver module and contains the address of the second receiver module" as recited in claim 1 as amended.

As such, the Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Moreover, independent claims 67 and 99 have relevant limitations similar to those discussed above in regards to claim 1. As such, the Applicants submit that independent claims 67 and 99 are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 60, 86, 115 and 116 depend, either directly or indirectly, from Independent claims 1, 67 and 99 and recite additional features thereof. As such and at least for the same reasons as discussed above, the Applicants submit that these dependent claims are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. The remaining rejected claims have been cancelled. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 150, 158-164, 168, 179-182, 186-192, and 196-198

The Examiner has rejected claims 150, 158-164, 168, 179-182, 186-192, and 196-198 as being obvious over Bestler in view of U.S. Patent 5,374,951 to Welsh (hereafter "Welsh") and US. Patent 5,410,344 to Graves et al. (hereafter "Graves"). However, claims 150, 158-164, 168, 179-182, 186-192, and 196-198 have been

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cancelled, thus obviating the rejection. Therefore, the Applicants respectfully request the rejection be withdrawn. .

Claims 99-101, 104-105, 107, 109-111, 113-114, 117, 119, 121-122 and 125

The Examiner has rejected claims 99-101, 104-105, 107, 109-111, 113-114, 117, 119, 121-122 and 125 as being obvious over U.S. Patent 5,357,276 (hereafter "Banker '276"). The Applicants respectfully traverse the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). The Banker '276 reference falls to teach or suggest the Applicants' invention as a whole.

Banker '276 discloses "[a] near video on demand time shifting feature for a subscriber terminal [that] emulates the video cassette recorder functions of pause, fast forward, and rewind for a NVOD service subscription" (abstract). However, Banker '276 does not teach or suggest at least the "first receiver module that receives program data," the "second receiver module for receiving a local authorization code," and the "transmitter that sends a program selection to a remote site, wherein the program selection is made from the program data received by the first receiver module and contains the address of the second receiver module" as recited in claim 1 as amended.

As such, the Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Moreover, Independent claim 99 has relevant limitations similar to those discussed above in regards to claim 1. As such, the Applicants submit that independent claim 99 is also not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, claims 99, 104, 111 and 113 depend, either directly or indirectly, from independent claim 99 and recite additional features thereof. As such and at least for the same reasons as discussed above, the Applicants submit that these dependent claims are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. The remaining rejected claims have been

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cancelled. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

Official Notices

The Office Action takes numerous Official Notices. Applicant hereby traverses each Official Notice. The Examiner alleges that apparatus and/or methods taught by certain limitations are well known in the art. However, the Applicant believes that these apparatus and/or methods rejected by the Examiner using Official Notice may not be well known within the specific art of the present invention as recited in the pending claims. For example, the allegedly well known limitations may not be well known to be used in combination with other limitations of the claims in which they are found or in claims form which they depend.

The Applicant notes, however, that although each Official Notice has been hereby traversed, many of the claims associated with these Official Notices have been cancelled.

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CONCLUSION

Thus, the Applicants submit that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 3/14/05



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